

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 11, 2016

**SENATE BILL**

**No. 1100**

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**Introduced by Senator Monning**

February 17, 2016

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An act to add Section 6354.8 to, and to repeal and amend Section 6354.7 of, the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1100, as amended, Monning. Worker occupational safety and health training and education program.

Existing law requires the Commission on Health and Safety and Workers' Compensation to establish and maintain a worker and occupational safety and health training and education program and requires the Director of Industrial Relations to establish an insurance loss control services coordinator position, to be funded from the Workers' Occupational Safety and Health Education Fund. Existing law requires the director to levy and collect fees from workers' compensation insurers for purposes of the program, with the fees to be deposited in the fund. *Existing law prohibits the fee assessed against any insurer from exceeding the greater of \$100 or a specified percentage of paid workers' compensation indemnity amounts for claims reported in the previous year, as specified.* Moneys in the fund are available for expenditure for the above purposes upon appropriation by the Legislature.

This bill would ~~provide that~~ *revise the calculation of the fee described above to also include a specified percentage of paid workers' compensation medical amounts for claims reported in the previous year and would deposit those additional moneys in the Workers'*

Occupational Safety and Health Education Fund may be applied to Fund. The bill would authorize specified collaborative work by the commission in connection with its training and education program. The bill would expand the list of purposes of the training and education program, which would be referred to as the Worker Occupational Safety and Health Training and Education Program, or WOSHTEP, to increase the number of, and assure continued capacity of, specified organizations to train workers and provide services. The bill would require, as part of WOSHTEP, that the commission collaborate with the Occupational Health Branch of the State Department of Public Health and the University of California occupational health centers affiliated with regional schools of medicine and public health, centers, as specified. The bill would repeal duplicative provisions.

*This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature.*

Vote: ~~majority~~  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known, and may be cited, as  
 2 “The Dr. Julia Quint Program for Research and Prevention of  
 3 Occupational Injuries and Illnesses.” The intent of this act is to  
 4 establish a California occupational research agenda, ~~increase~~  
 5 ~~coordination and collaboration between community occupational~~  
 6 ~~health clinics and the centers for occupational and environmental~~  
 7 ~~health~~, and provide training with the goals of preventing  
 8 occupational injuries and illnesses suffered by the most vulnerable  
 9 workers, including non-English speakers working in high-risk  
 10 occupations, and reducing the consequences and costs of those  
 11 injuries and illnesses through early intervention with appropriate  
 12 care.

13 SEC. 2. Section 6354.7 of the Labor Code, as added by Section  
 14 84 of Chapter 6 of the Statutes of 2002, is repealed.

15 SEC. 3. Section 6354.7 of the Labor Code, as added by Section  
 16 15 of Chapter 866 of the Statutes of 2002, is amended to read:

17 6354.7. (a) The Workers’ Occupational Safety and Health  
 18 Education Fund is hereby created as a special account in the State

1 Treasury. Proceeds of the fund may be expended, upon  
2 appropriation by the Legislature, by the Commission on Health  
3 and Safety and Workers' Compensation for the purposes specified  
4 in this section and Section 6354.8 and for an insurance loss control  
5 services coordinator. The director shall levy and collect fees to  
6 fund these purposes from insurers subject to Section 6354.5.  
7 However, the fee assessed against any insurer shall not exceed the  
8 greater of one hundred dollars (\$100) or 0.0286 percent of paid  
9 workers' compensation *medical and* indemnity amounts for claims  
10 as reported for the previous calendar year to the designated rating  
11 organization for the analysis required under subdivisions ~~(b)~~ (a),  
12 (b), and (c) of Section 11759.1 of the Insurance Code. All fees  
13 shall be deposited in the fund.

14 (b) The commission shall establish and maintain a worker  
15 occupational safety and health training and education program, to  
16 be referred to as the Worker Occupational Safety and Health  
17 Training and Education Program, or WOSHTEP. The purpose of  
18 the WOSHTEP shall be to promote awareness of the need for  
19 prevention education programs, to develop and provide injury and  
20 illness prevention education programs for employees and their  
21 ~~representatives, to increase the number of, and to ensure continued~~  
22 ~~capacity of, nonprofit provider organizations, including~~  
23 ~~labor-management cooperation committees, joint~~  
24 ~~labor-management apprentice programs, labor unions, community~~  
25 ~~or faith-based organizations that focus on vulnerable workers, and~~  
26 ~~state government-supported postsecondary educational institutions,~~  
27 ~~to train workers and provide related services, representatives and~~  
28 to deliver those awareness and training programs through a network  
29 of providers throughout the state. The commission may conduct  
30 the WOSHTEP directly or by means of contracts or interagency  
31 agreements.

32 (c) The commission shall establish an advisory board for the  
33 WOSHTEP that includes employer and worker representatives  
34 and experts in occupational safety and health. The WOSHTEP  
35 advisory board shall guide the development of curricula, teaching  
36 methods, and specific course material about occupational safety  
37 and health, and shall assist in providing links to the target audience  
38 and broadening the partnerships with worker-based organizations,  
39 labor studies programs, and others that are able to reach the target  
40 audience.

(d) The WOSHTEP shall include the development and provision of a needed core curriculum addressing competencies for effective participation in workplace injury and illness prevention programs and on joint labor-management health and safety committees. The core curriculum shall include an overview of the requirements related to injury and illness prevention programs and hazard communication.

(e) The WOSHTEP shall include the development and provision of additional training programs for any or all of the following categories:

(1) Industries on the high hazard list.

(2) Hazards that result in significant worker injuries, illnesses, or compensation costs.

(3) Industries or trades in which workers are experiencing numerous or significant injuries or illnesses.

(4) Occupational groups with special needs, such as those who do not speak English as their first language, workers with limited literacy, young workers, and other traditionally underserved industries or groups of workers. Priority shall be given to training workers who are able to train other workers and workers who have significant health and safety responsibilities, such as those workers serving on a health and safety committee or serving as designated safety representatives.

(f) The WOSHTEP shall operate one or more libraries and distribution systems of occupational safety and health training material, which shall include, but not be limited to, all material developed by the program pursuant to this section.

(g) The WOSHTEP advisory board shall annually prepare a written report evaluating the use and impact of programs developed.

(h) The payment of administrative costs incurred by the commission in conducting the WOSHTEP shall be made from the Workers' Occupational Safety and Health Education Fund.

SEC. 4. Section 6354.8 is added to the Labor Code, to read:

6354.8. In addition to the duties and functions specified in Section 6354.7, the Worker Occupational Safety and Health Training and Education Program shall ~~work in collaboration with:~~ *do both of the following:*

(a) ~~The~~ *Work in collaboration with the* Occupational Health Branch of the State Department of Public Health to develop and

1 implement a California occupational research agenda focused on  
2 the prevention of occupational injuries and illnesses that are most  
3 prevalent, serious, and costly for California employers and  
4 employees.

5 (b) ~~The~~ *Through an agreement with the* University of California  
6 occupational health centers ~~affiliated with regional schools of~~  
7 ~~medicine and public health,~~ as established by Section 50.8, ~~to~~  
8 ~~increase coordination and collaboration, including providing~~  
9 *provide* training to community-based health clinics that serve  
10 vulnerable workers, including non-English speakers, working in  
11 high-risk occupations.